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Carrier IQ, Inc., et al., 1:11-cv-1199-MPT (D.
Del.), transferred to N.D. Cal. as 3:12-cv-
02137-EMC (N.D. Cal.)*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CARRIER IQ, INC.,
CONSUMER PRIVACY LITIGATION

No. 3:12-md-02330-EMC

This Document Relates To:

ALL ACTIONS

**BRIEF OF PLAINTIFFS JEFFREY PACILLI, SAIMA MIAN,
AMANDEEP SINGH, MARILYN ROBLEDO, CRAIG SCHMIDT,
LERON LEVY and PETER LOWDEN IN SUPPORT OF MOTION FOR
APPOINTMENT OF STRANGE & CARPENTER AND ROBBINS GELLER
RUDMAN & DOWD AS INTERIM CO-LEAD COUNSEL PURSUANT TO RULE 23(g)**

Jeffrey Pacilli, Saima Mian, Amandeep Singh and Marilyn Robledo, plaintiffs in *Pacilli, et al. v. Carrier IQ, Inc., et al.*, 1:11-cv-01199-MPT (D. Del.), transferred to the Northern District of California as 3:12-cv-02137-EMC (N.D. Cal.) (together, the "Delaware Plaintiffs"), and Craig Schmidt, Leron Levy and Peter Lowden, plaintiffs in *Schmidt, et al. v. Carrier IQ, Inc., et al.*, 1:11-cv-24352-JAL (S.D. Fla.), transferred to the Northern District of California as 3:12-cv-

BRIEF IN SUPPORT OF MOTION FOR
APPOINTMENT OF S&C AND RGRD AS
INTERIM CO-LEAD COUNSEL.

02135-EMC (N.D. Cal.) (together, the "Miami Plaintiffs"), hereby submit this brief in support of the Motion for Appointment of Strange & Carpenter and Robbins Geller Rudman & Dowd as interim co-lead counsel in this action, for the reasons in their brief in support thereof. Both firms have reached out to all counsel in this MDL and provided inclusive leadership.

In addition, as indicated in Strange & Carpenter's and Robbins Geller's brief, counsel for the Delaware Plaintiffs and the Miami Plaintiffs will work closely with proposed Steering Committee member McNulty Law Firm, providing invaluable resources and an extraordinarily diverse set of skills to aid in the prosecution of this action.

1. Stewarts Law

London-based Stewarts Law, with over 100 lawyers in London, Leeds, New York and Delaware, is the UK's largest litigation-only firm and brings international resources to this case that no other firm can bring. Stewarts Law also has particular experience with digital privacy cases involving the sorts of claims and technologies at issue in this case. For example, Stewarts Law currently acts as co-lead counsel in *In re: Facebook Internet Tracking Litigation*, 5:12-md-02314-EJD (N.D. Cal., San Jose Division), and is also prosecuting a digital privacy action against Google Inc. related to Google's alleged improper circumvention of the privacy settings of Apple's Safari browser. *See Soble v. Google Inc.*, 12-cv-200-SLR (D. Del.). Stewarts Law partner David Straite has been interviewed on BBC World News, Sky News and Channel 10 (Tel Aviv, Israel) on the topic of digital privacy rights.

Stewarts Law is recognized by clients and peers alike as second to none:

- Top-ranked in both the Legal 500 and Chambers UK.
- Winner, Niche Law Firm of the Year, 2009 (The Lawyer Awards).
- Winner, Best Managed Firm, 2010 Managing Partners Forum European Practice Management Awards.

- Winner, Niche Law Firm of the Year (Leeds Office), 2010 Yorkshire Lawyer Awards.
- Described by the Legal 500 as “the preeminent firm in this country dealing with personal injury/fatal accident claims from aviation accidents.”
- Noted by Chambers and Partners as “the firm of choice for countless wealthy City professional, entertainment and sports industry clients looking for advice and representation in complex divorce proceedings.”

2. Keefe Bartels

Keefe Bartels LLC is one of the best-respected litigation firms in New Jersey, representing both individual and institutional plaintiffs in complex litigation, as well as in selected individual tort and contract cases. Keefe Bartels partners have played substantial roles in many successful class action cases. These include, for example, *Talalai, et al. v. Cooper Tire & Rubber Co.* (consumer products, settlement value over \$1 Billion), *Janes v. Ciba-Geigy, Royal Dutch Shell* (environmental pollution, settlement value over \$33 Million), *Royal Dutch Shell Transport Securities Litigation* (liaison counsel, securities case), *In re Sprint Corp. Shareholders Litig.* (tracking stock recombination, \$57.5 Million settlement), and *In re Marsh & McLennan Companies, Inc. Sec. Litig.* (securities fraud, \$400 Million settlement).

Keefe Bartels' Steve Grygiel, who co-chairs the firm's class action practice, is AV-rated by Martindale Hubbell and is a graduate of Harvard Law School. He has 26 years of complex litigation experience, including national securities fraud cases, consumer product class actions, consumer fraud cases, franchisee class actions and Delaware Chancery Court corporate governance cases. Steve served on the Plaintiffs' Steering Committee in *In re Vytarin/Zetia Marketing, Sales Practices and Products Liability Litigation* (\$41.5 Million settlement), and also has substantial jury and bench trial experience.

In addition, Steve is also has significant experience protecting digital privacy rights, currently serving on the Plaintiffs Steering Committee in *In re: Facebook Internet Tracking*

1 *Litigation*, 5:12-md-02314-EJD (N.D. Cal., San Jose Division), and prosecuting a digital privacy
 2 rights case against Google in *Yngelmo v. Google Inc.*, 2:12-cv-0983-JAD (D.N.J.).

3 **3. Litigation Partners, P.L.**

4 Litigation Partners is a Miami-based consortium of highly experienced civil trial
 5 attorneys, handling complex commercial litigation, *qui tam* cases and class actions. Litigation
 6 Partners attorneys have tried over 300 jury trials and many are included in Best Lawyers in
 7 America and Legal Elite. Two attorneys were named "Most Effective" Class Action Attorneys in
 8 2010 by the Daily Business Review.

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 10 **Robert Boyers** has been practicing law for over twenty years and focuses on *Qui Tam* and
 11 other complex civil litigation matters. He has obtained millions of dollars in awards for his
 12 clients and has been repeatedly named a Super Lawyer in *Florida Super Lawyers Magazine*, a
 13 Top Lawyer in the *South Florida Legal Guide*, as one of Florida's Legal Elite in Florida Trend
 14 magazine and was profiled as a Legal Impact Leader in the 2008 and 2010 issues of *Business*
 15 *Leader* magazine. He also holds an AV rating – the highest rating for skill and ethics - from the
 16 Martindale-Hubbell legal directory.

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 18 **Manuel L. Dobrinsky** has zealously and effectively represented the interests of
 19 individuals against large corporations, insurance companies and the federal government. In 1994,
 20 attorney Dobrinsky was appointed as an Assistant Federal Public Defender for the Southern
 21 District of Florida. In this position he represented clients in federal criminal court and appeals
 22 court in cases involving white collar crimes, racketeering, and conspiracy. He tried more than 30
 23 of these complex cases to verdict. He has achieved numerous recognitions within the legal
 24 profession, including being listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers
 25 and repeated recognition in the "Best Lawyers in America" and in "Super Lawyers." Furthermore,
 26 in 2010 Mr. Dobrinsky, along with his partners, was named as the Most Effective Class Action
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1 Attorney in South Florida by the "Daily Business Review." He Legal Elite has recognized him to
 2 be in the top 2% of all Florida lawyers and he was recognized, in an article published "The Wall
 3 Street Journal" as one of the Top 100 Attorneys in Miami, Florida. Attorney Dobrinsky serves as
 4 an instructor for the National Institute of Trial Advocacy and has lectured and written articles on
 5 various legal topics.

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 7 **Dan Dolan** has recovered over \$65 million on behalf of his clients in a wide variety of
 8 civil cases. In 2008, he was elected the President of the Miami Dade Justice Association, the
 9 largest county-based trial lawyer organization in the State of Florida. An Eagle member of the
 10 Academy of Florida Trial Lawyers, Mr. Dolan was selected to serve as chairman of the Dade
 11 County Legislative Recruitment Task Force. In 2004, he was awarded the Academy's Bronze
 12 Eagle Award. Mr. Dolan is AV Peer Review Rated through prestigious Martindale-Hubbell,
 13 reflecting the highest rating in legal ability and ethical standards. Since 2002, Mr. Dolan has been
 14 recognized by the South Florida Legal Guide as one of the region's leading trial lawyers, and was
 15 also named in the 2010 list of Florida Super Lawyers and to Florida Trend Magazine's prestigious
 16 Florida Legal Elite. He has lectured on trial and litigation tactics to, among others, the American
 17 Bar Association, Florida Justice Association, Dade County Trial Lawyers Association and to law
 18 schools. Mr. Dolan is actively involved with his law school alma mater, St. Thomas University,
 19 where he lectures on trial advocacy, serves on the law school board of advisors and contributed
 20 the single largest donation by an alumnus in the school's history.

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 23 **Doug Eaton** has a wide-ranging litigation practice, with his primary focus on plaintiff's
 24 catastrophic injury cases. These matters include medical malpractice, products liability, and
 25 commercial litigation. He handles matters at both the trial and appellate levels, and is available
 26 for both trial and appellate support. In addition to Mr. Eaton's injury practice, he has represented
 27 individuals and various corporate clients in a wide-variety of complex commercial and general
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1 business disputes, including those involving commercial litigation, employment, insurance
 2 coverage and bad faith, landlord and tenant, real estate, construction defect litigation, and
 3 consumer class actions.

4 **Philip Freidin** is a highly successful civil trial attorney who began practicing in his native
 5 hometown of Miami in 1969. He has obtained numerous million-dollar verdicts and settlements
 6 on behalf of his clients. He has litigated and tried more than 150 personal injury and wrongful
 7 death cases, including medical malpractice, and auto accidents. In 1989, Phil earned Florida Bar
 8 Board Certification, the highest level of recognition by The Florida Bar, for the competency and
 9 experience of a civil trial attorney. He was designated a Board Certified Trial Advocate by the
 10 National Board of Trial Advocates in 1995. Phil is profiled in The Best Lawyers in America,
 11 included in Martindale-Hubbell's Bar Register of Preeminent Lawyers and is consistently
 12 recognized in the annual Florida Super Lawyers Magazine, Florida Trend's Legal Elite and the
 13 South Florida Legal Guide as one of Florida's top personal injury attorneys. In the landmark case
 14 *West v. Caterpillar*, Phil helped establish Florida's doctrine of Strict Product Liability which now
 15 allows consumers to hold manufacturers and sellers of defective products liable without proof of
 16 negligence. This 1975 decision permanently changed Florida Law and is a major case of study in
 17 Florida Law Schools.

18 **James A. Hannon** is an experienced trial attorney. He has been repeatedly recognized as
 19 a "Super Lawyer" in the Florida Super Lawyers Magazine, as one of Florida's "Legal Elite" in
 20 Florida Trend magazine, as a "Top Lawyer" in the South Florida Legal Guide, and was profiled
 21 as a "Legal Impact Leader" in Business Leader Magazine. He also holds an AV rating the highest
 22 rating for legal skill and ethics - in the Martindale-Hubbell Legal Directory.

23 **Arno Kutner's** law firm worked as a trial lawyer for more than 40 years. He has won the
 24 highest respect from his peers in the legal community for his meticulous preparation, knowledge
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1 of trials and law, and ethical and professional representation of the firm's clients. Mr. Kutner is
 2 also a certified mediator in the State of Florida. Mr. Kutner has been the recipient of many legal
 3 honors and recognitions. He is a member of the International Academy of Trial Lawyers, whose
 4 membership is limited to only 500 lawyers in the country. He has been listed consistently in the
 5 publication Best Lawyers in America since 1993, in the Florida Legal Guide as one of the top
 6 lawyers in South Florida, and in Florida Trend as one of the top lawyers.

8 **Andrew (Drew) Moss** was honored in the prestigious publication, Best Lawyers in
 9 America, in three separate practice areas. In 2010-11, he was honored as a Law Dragon Finalist –
 10 one of the top 3,000 lawyers in the United States. In 2010 and 2011, he was also named to the
 11 Florida Legal Elite as one of the top lawyers in Florida. He was listed among the top 2.5% of
 12 lawyers under the age of 40 in Florida by the Florida Super Lawyers and Law & Politics
 13 publication, and is listed among the top young lawyers in South Florida by the South Florida
 14 Legal Guide. Drew is "AV" rated by Martindale Hubbell, the highest rating for legal
 15 accomplishment, professional achievement and ethics. Currently, Drew serves the secretary of the
 16 Board of Directors of the Miami-Dade Justice Association (formerly the Dade County Trial
 17 Lawyers Association).

19 Over the course of an almost-20-year legal career, **Attorney Randy Rosenblum** has
 20 brought hundreds of cases to trial. He has significant background in civil and criminal law, which
 21 enables him to build an effective case in highly complex civil and criminal matters. He began his
 22 legal career as an Assistant Public Defender with the Broward County Public Defender's Office in
 23 1993, representing criminal defendants in more than 100 jury and bench trials. In 1996 he became
 24 an Assistant Federal Defender with the Federal Defender's Office for the Southern District of
 25 Florida. In this position, he defended clients facing the most serious federal criminal charges for
 26 white collar crimes, racketeering, conspiracy and corruption. Attorney Rosenblum serves as an
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1 instructor for the National Institute of Trial Advocacy where he teaches other attorneys the art of
2 litigating a case from its inception through trial. He has appeared on the O'Reilly Factor, MSNBC
3 and numerous local radio and television stations in connection with his cases.

4 **Edward G. Rubinoff** is a member of the board of the Attorneys Information Exchange
5 Network, which pools resources representing clients in complex cases. He is a member of the
6 Million-Dollar Advocates Forum, whose membership is restricted to lawyers who have received
7 million-dollar-plus verdicts and settlements. He is listed among the region's top lawyers in the
8 South Florida Legal Guide.

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10 DATED this 8th Day of June, 2012.
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CERTIFICATE OF SERVICE

I hereby certify that this document is being filed through the ECF system and will be sent electronically to the registered participants as identified on the Electronic Mail Notice List, and paper copies will be sent to those indicated as non-registered participants.

Dated: June 8, 2012

Respectfully submitted,

/s/ Brian R. Strange
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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Brian R. Strange, attest that concurrence in the filing of this document has been obtained from signatory David A. Straite.

Dated: June 8, 2012

Respectfully submitted,

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